



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/995,266	11/27/2001	Frederic Bauchot	FR920000062US1	1319

7590 08/29/2006

IMB CORPORATION
INTELLECTUAL PROPERTY LAW
DEPT . IQQQ/BLDG. 040-3
1701 NORTH STREET
ENDCOTT,, NY 13760

EXAMINER

SINGH, RACHNA

ART UNIT	PAPER NUMBER
----------	--------------

2176

DATE MAILED: 08/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/995,266

Applicant(s)

BAUCHOT, FREDERIC

Examiner

Rachna Singh

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08/16/06.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 7-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 7-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communications: After-Final Arguments filed on 08/16/06.
2. Claims 1-2 and 7-24 are pending in the application. Claim 3 was cancelled by the amendment.

Priority

3. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in France on 11/28/00.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claims 1-2 and 7-24 are rejected under 35 U.S.C. 102(a) as being anticipated by Flaherty, John, "Selected Excel Basics, Excel Tips for Efficient Spreadsheet Use",

Art Unit: 2176

Available: http://www.bf.rmit.edu.au/quant/Excel/Excel_Tips.pdf, Available in 1999 (as further evidenced by screen shots provided from Microsoft Excel, Copyright 1985-1999).

In reference to claims 1, 13, and 14, Flaherty teaches a means for filling in empty cells in a range of cells within a spreadsheet. See page 2. Flaherty discloses the following:

-Selecting a range of cells wherein some of the cells comprise empty cells and cells containing a value such as the month, day of the week, or number. See page 2, "Using the Fill Handle" and figures on pages 2-3. The cells comprise a sample cell filled with values (see page 3, first figure) and empty cells contain no value (see page 3, second figure) Compare to **"selecting the range of cells, said range comprising a plurality of sample cells** (i.e. B2 in figure 2 on page 2) **and one or a plurality of empty cells** (i.e. B3 in figure 2 on page 2), **wherein prior to said selecting each sample cell contains a sample value, and an empty cell contains no value or a value not considered as a sample value; the content y_i of each sample cell and each empty cell being associated with a particular value x_i of a variable x ;"**

-Entering a data series with specific start and stop values entered for a data series. For example cell A2 may contain a start value of 10 and a stop value of 90 is indicated with a step value of 5. See pages 4-5, "Entering a Data Series". In indicating a start and stop value in a series of cells, the "previous sample cell" and "next sample cell" of the empty cells in between the start value and stop value are specified. Compare to **"selecting on or a plurality of previous sample cells with respect to the empty**

cell; selecting one or a plurality of next sample cells with respect to the empty cells.”

-The series dialogue box allows a user to indicate the linear series and fills out the empty cells according to the start and stop values. See pages 4-5, “Entering a Data Series”. Compare to ***“after said selecting, ordering the sample cells and empty cells according to the values x_i associated with the content of said cells; after said ordering, processing the empty cells comprising, for each empty cell, the steps of: identifying the value x_i associated with the content of the empty cell; computing the value y_i of the empty cell according to the values $y_{previous}$ contained in the selected one or plurality of previous sample cells, and the values y_{next} contained in the selected one or plurality of next sample cells; filling the empty cell with said computed value y_i .”***

In reference to claim 2, Flaherty teaches entering a data series with specific start and stop values entered for a data series. For example cell A2 may contain a start value of 10 and a stop value of 90 is indicated with a step value of 5. See pages 4-5, “Entering a Data Series”. In indicating a start and stop value in a series of cells, the “previous sample cell” and “next sample cell” of the empty cells in between the start value and stop value are specified.

In reference to claim 7, Flaherty teaches the range of cells comprise a value associated with the content of a sample cell. See pages 4-5, “Entering a Data Series”.

In reference to claim 8, Flaherty teaches the value of y_i is calculated by determining the pattern in the range of cells. This entails determining content of a previous/start cell and next/stop cell and the value associated with the content in order to determine the value of the empty cell. For example, content and value of a previous/start cell and a next/stop cell are used to calculate what goes into an empty cell. See pages 4-5, "Entering a Data Series".

In reference to claim 9, Conlon discloses a means in which a selected range of cells comprises a single column and row of cells. See figures on pages 1-2. Each cell comprises a value.

In reference to claim 10, Flaherty teaches a table with a range of cells wherein some of the cells are empty. See page 2. Flaherty teaches entering a data series with specific start and stop values entered for a data series. For example cell A2 may contain a start value of 10 and a stop value of 90 is indicated with a step value of 5. See pages 4-5, "Entering a Data Series". Compare to ***"an index field for identifying said empty cell; a sample field for indicating that said cell is a sample cell; a X_i field with the value x_i associated with said empty cell; an index of the previous sample field with the value of the index filed of a previous record having a sample value"*** In indicating a start and stop value in a series of cells, the "previous sample cell" and "next sample cell" of the ***empty cells*** in between the start value and stop value are

Art Unit: 2176

specified. Compare to ***“a $X_{prev.samplefield}$ with the value of the X_i field of a previous record having a sample ; the “ $f(X_{prev.sample})$ field” with the value $y=f(x)$ of said sample cell; an “index of the next sample field” with a value of the “index filed” of the next record having a sample value; the $X_{nextsamplefield}$ with the value of the X_i field of a next record having a sample value; the “ $f(X_{nextsample})$ field” with the value $y=f(x)$ of a cell in the range corresponding to a next record having a sample value;***

In reference to claim 11, Flaherty teaches a table with a range of cells wherein some of the cells are empty. See page 2. Flaherty teaches entering a data series with specific start and stop values entered for a data series. For example cell A2 may contain a start value of 10 and a stop value of 90 is indicated with a step value of 5. See pages 4-5, “Entering a Data Series”. Compare to ***“an index field for identifying the sample cell; a sample field for indicating that said cell is a sample cell; a X_i field with the value x_i associated with said sample cell; the inext of the previous sample field with the value of the index filed of the sample cell”*** In indicating a start and stop value in a series of cells, the “previous sample cell” and “next sample cell” of the ***empty cells*** in between the start value and stop value are specified. Compare to ***“a $X_{prev.samplefield}$ with the value of the X_i field of said sample cell; the “ $f(X_{prev.sample})$ field” with the value $y=f(x)$ of said sample cell; the “index of the next sample field” with the value of the “index filed” of said sample cell; the $X_{nextsamplefield}$ with the***

value of the X_i field of said sample cell; the " $f(X_{nextsample})$ field" with the value $y=f(x)$ of said sample cell;

In reference to claim 12, Flaherty teaches a table comprising N records. See figures on page 2, 3, and 4.

In reference to claim 15, Flaherty teaches a user can initiate a data series by entering a start value and an end value for a range of cells with a specified step value. By initiating the series dialogue box, a user may change the sample values or step values (i.e. start and stop values) thereby adding or deleting a sample cell or empty cell. See pages 4-5, "Entering a Data Series".

In reference to claim 16, Flaherty teaches a user can initiate a data series by entering a start value and an end value for a range of cells with a specified step value. By initiating the series dialogue box, a user may change the sample values or step values (i.e. start and stop values) thereby adding or deleting a sample cell or empty cell. See pages 4-5, "Entering a Data Series".

In reference to claim 17, Flaherty teaches a user can initiate a data series by entering a start value and an end value for a range of cells with a specified step value. By initiating the series dialogue box, a user may change the sample values or step

values (i.e. start and stop values) thereby adding or deleting a sample cell or empty cell.
See pages 4-5, "Entering a Data Series".

In reference to claim 18, Flaherty teaches a user can initiate a data series by entering a start value and an end value for a range of cells with a specified step value. By initiating the series dialogue box, a user may change the sample values or step values (i.e. start and stop values) thereby adding or deleting a sample cell or empty cell. See pages 4-5, "Entering a Data Series".

In reference to claim 19, Flaherty teaches a user can initiate a data series by entering a start value and an end value for a range of cells with a specified step value. By initiating the series dialogue box, a user may change the sample values or step values (i.e. start and stop values) thereby adding or deleting a sample cell or empty cell. See pages 4-5, "Entering a Data Series".

In reference to claim 20, Flaherty teaches a user can initiate a data series by entering a start value and an end value for a range of cells with a specified step value. By initiating the series dialogue box, a user may change the sample values or step values (i.e. start and stop values) thereby adding or deleting a sample cell or empty cell. See pages 4-5, "Entering a Data Series".

In reference to claim 21, Flaherty teaches a user can initiate a data series by entering a start value and an end value for a range of cells with a specified step value. By initiating the series dialogue box, a user may change the sample values or step values (i.e. start and stop values) thereby adding or deleting a sample cell or empty cell. See pages 4-5, "Entering a Data Series".

In reference to claim 22, Flaherty teaches a user can initiate a data series by entering a start value and an end value for a range of cells with a specified step value. By initiating the series dialogue box, a user may change the sample values or step values (i.e. start and stop values) thereby adding or deleting a sample cell or empty cell. See pages 4-5, "Entering a Data Series".

In reference to claim 23, Flaherty teaches custom formatting of cells where a user can indicate a range of cells and font, border, pattern, and background information. See page 12.

In reference to claim 24, Flaherty teaches entering a data series with specific start and stop values entered for a data series. For example cell A2 may contain a start value of 10 and a stop value of 90 is indicated with a step value of 5. See pages 4-5, "Entering a Data Series". In indicating a start and stop value in a series of cells, the "previous sample cell" and "next sample cell" of the empty cells in between the start value and stop value are specified.

Response to Arguments

6. Applicant's arguments filed 08/16/06 have been fully considered. Applicant argues the Flaherty reference does not have a copyright date and therefore cannot be used as a prior art reference.

In a telephone interview on August 16, 2006, Examiner indicated she would provide evidence that the features disclosed in Flaherty were implemented in Microsoft Excel Copyrighted in 1999. As evidence of this fact, the Examiner has provided screen shots from Microsoft Excel 2000, having a copyright date from 1985-1999. The screen shots illustrate the various claimed features discussed in the Flaherty reference. For example, Flaherty teaches a means for filling in empty cells in a range of cells within a spreadsheet. See page 2. Flaherty discloses: Selecting a range of cells wherein some of the cells comprise empty cells and cells containing a value such as the month, day of the week, or number. See page 2, "Using the Fill Handle" and figures on pages 2-3. The supplied screen shots illustrate this feature was available in 1999. Similarly, Flaherty discloses entering a data series with specific start and stop values entered for a data series. For example cell A2 may contain a start value of 10 and a stop value of 90 is indicated with a step value of 5. See pages 4-5, "Entering a Data Series". In indicating a start and stop value in a series of cells, the "previous sample cell" and "next sample cell" of the empty cells in between the start value and stop value are specified. The data series feature is also illustrated in the Excel screen shots available in 1999.

Examiner has provided various screen shots of Microsoft Excel (copyright in 1999) to prove that the features disclosed in Flaherty reference were disclosed in 1999.

Applicant's amendments filed after-final have also been addressed in the amendments above.

In view of the comments above, the rejection is maintained.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rachna Singh whose telephone number is 571-272-4099. The examiner can normally be reached on M-F (8:30AM-6:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

Art Unit: 2176

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RS
08/23/06


Heather R. Herndon
Supervisory Patent Examiner
Technology Center 2100